



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re U.S. Utility Patent Application of

SHASKEY, Mark S., Sr.

Art Unit: 3652

Appln. No. 10/671,974

Examiner: Dean J. Kramer

Filed: 26 September 2003

For: APPARATUS TO FACILITATE THE HOLDING OF LARGE BOTTLE
WITHOUT INTEGRAL HANDLES

Re: Petition for Revival of an Application for Patent Abandoned Unintentionally
Under 37 C.F.R. 1.137(b) /

* * *

Date: July 24, 2007

Attention: Office of Petitions

To the Honorable Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely Appeal Brief or request for continued examination (RCE) following filing a Notice of Appeal filed 04 November 2005, pursuant to MPEP 1204. The day of abandonment being 05 June 2006, the day after the expiration date set for filing such an Appeal Brief or RCE.

THE APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS
APPLICATION under 37 C.F.R. 1.137(b).

Enclosed herewith is the small entity petition fee of \$750.00 required by 37
C.F.R. 1.17(m). Applicant claims small entity status pursuant to 37 C.F.R. 1.27.

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Also enclosed herewith is the RCE and preliminary amendment.

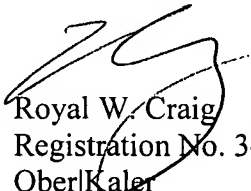
Since this utility patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

The entire delay in filing the required RCE from the due date for filing the RCE until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Accordingly, the Applicant hereby petitions for revival of this application under 37 C.F.R. 1.137(b).

* * * * *

Respectfully submitted,


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* * *

VERIFIED STATEMENT UNDER 37 CFR SECTION 1.137(b)(1)

Honorable Commissioner of Patents
And Trademarks
Box DAC
Alexandria, VA 22313-1450

Sir:

I, Mark Shaskey, Sr., being duly sworn, state that I am an individual inventor and owner of the above-identified patent, as shown by the records in the United States Patent and Trademark Office. I further declare and state the following.

1. The subject patent lapsed for failure to file an appeal brief or request for continued examination (RCE) due originally (with 5 month grace period) on 05 June 2006.
2. My failure to authorize my patent attorney to file an appeal brief or RCE resulted entirely from my inability to receive mail at my residence, and hence a breakdown of communications with my patent attorney.

3. In the months preceding the date of abandonment, I was unable to receive mail in my mailbox at my residence. At the date preceding abandonment, I resided at and am still currently residing at 8197 Bodkin Avenue, Pasadena, MD 21122. A school bus stop is located in front of the mailbox at my residence. On many different occasions, I have personally seen children loiter at said bus stop, take mail out of my mail box, and tear open my mail. I have repeatedly asked the children to cease tampering with my mail. However my requests have gone unanswered, as I still do not receive my bills regularly and often find that the mail that I do receive is in a tattered condition. Consequently, I did not receive my patent attorney's letter regarding the need to file an appeal brief, nor did I receive the reminders that his office sent in following up. Furthermore, I did not receive my patent attorney's letter dated 20 July 2006 reporting the Notice of Abandonment. In December 2006, I called my patent attorney and was informed of the abandonment. Immediately upon realization of the situation I authorized my attorney to prepare and file a Petition to Revive under 37 C.F.R. 1.137(a) (unavoidable delay) along with all supporting documents and fees. On June 14, 2007, I received notice from the Office of Petitions that my Petition to Revive under 37 C.F.R. 1.137(a) was dismissed. Furthermore, Senior Attorney Paul Shanowski at the Office of Petitions suggested that I file a Petition to Revive under 37 C.F.R. 1.137(b) (unintentional delay).

4. In view of my Statement, it is submitted that abandonment of this application was unintentional and that a favorable decision on this Petition is in order.

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